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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,390	10/02/2001	Daniel R. Kurz	MICRU : 58614	1995
24201	7590	02/13/2004	EXAMINER	
FULWIDER PATTON LEE & UTECHT, LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE TENTH FLOOR LOS ANGELES, CA 90045			BAXTER, JESSICA R	
			ART UNIT	PAPER NUMBER
			3731	7

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/970,390

Applicant(s)

KURZ ET AL.

Examiner

Jessica R Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 54-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 51-58 and 61-67 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 5,658,308 to Snyder.

Regarding claim 54, Snyder discloses an occlusive device comprising a vasoocclusive coil having a primary coil configuration with a loop at least one end (FIG. 1), said vasoocclusive coil being formed from a microcable including a plurality of strands (coil 11 and filaments 12) including a radiopaque strand (coil 11).

Regarding claim 55, Snyder discloses that said vasoocclusive device has a primary coil configuration with a helical loop at a distal end of the coil (FIG. 1).

Regarding claims 56 and 58, Snyder discloses that said helical loop has a J-shape configuration (FIG. 1 each end of coil 11).

Regarding claim 57, Snyder discloses that said vasoocclusive coil has a primary coil having two end helical loops, with a helical loop at the proximal and distal ends of the coil (windings 13).

Regarding claim 61, Snyder discloses that said vasoocclusive coil comprises at least one loop intermediate the proximal and distal ends of the coil (windings 13).

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Regarding claim 62, Snyder discloses that said vasoocclusive coil comprises two loops intermediate the proximal and distal ends of the coil (windings 13).

Regarding claims 63, 64 and 65, Snyder discloses that the radiopaque strand comprises platinum, tungsten, or gold (Column 1 lines 62-65).

Regarding claim 66, Snyder discloses the method comprising the steps of providing a vasoocclusive coil and introducing the vasoocclusive coil with said at least one end loop being directed toward the portion of the vasculature to be treated (Column 1 lines 13-17).

Regarding claim 67, Snyder discloses that the portion of vasculature to be treated is an aneurysm (Column 1 lines 13-17).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder '308 in view of U.S. Patent No. 5,649,949 to Wallace et al.

Snyder discloses the claimed invention except for the helical loop having a diameter of about 2 mm. Wallace teaches that the helical loop diameter may be about 2 mm. The size of the diameter depends on the size of the abnormality that the device is intending to occlude. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Snyder with a diameter of about 2 mm in order to occlude larger abnormalities.

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***Response to Arguments***

5. Applicant's arguments filed November 3, 2003 have been fully considered but they are not persuasive.

6. Applicant argues that Snyder '308 does not disclose a microcable including a plurality of strands. The microcable is considered to be coil 10 comprising coil 11 and filaments 12. Therefore the rejection over Snyder '308 is proper.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica R Baxter whose telephone number is 703-305-4069. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano can be reached on 703-308-2496. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
jrb

Jessica R Baxter  
Examiner  
Art Unit 3731

  
MICHAEL J. MILANO  
SUPERVISORY PATENT EXAMINER  
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